



---

STATE OF NEW JERSEY

## **ATTENTION HAZARDOUS MATERIAL ENDORSEMENT APPLICANTS INITIAL & TRANSFER**

The New Jersey Motor Vehicle Commission is providing this notice to inform all commercial driver license (CDL) applicants and transfers of new Federal requirements that may affect your ability to obtain or transfer a CDL with hazardous material endorsement (HME).

On May 5, 2003, the Federal Transportation Security Administration (TSA) published new regulations under The USA PATRIOT ACT that apply to state authorities issuing CDLs.

The new requirements became effective on November 3, 2003 and apply to you if you are applying for a (CDL) with hazardous material endorsement (HME) or if you are transferring your CDL with HME to New Jersey.

As of September 2, 2003, a person who meets the established standards for federal threat assessment standards is prohibited from holding a CDL with a HME. The federal threat assessment standards require that any driver who has been convicted or found not guilty by reason of insanity (by a military or civilian court) in the past seven years of a disqualifying felony (listed below), or was released from prison in the past five years, or is wanted or under indictment for committing any disqualifying felony, or has been found mentally incompetent will not be permitted to obtain, retain, transfer or renew the HME for their CDL.

### **DISQUALIFYING FELONIES:**

- Violent acts against others including murder, rape, kidnapping, sexual assault, and robbery
- Identity theft, fraud and/or bribery
- Immigration violations, smuggling and/or violations of the RICO act
- Distribution of, intent to distribute, possession or importation of a controlled dangerous substance
- Conspiracy to commit any of these crimes

Additionally, the new federal threat assessment standards require that a driver also be disqualified from holding a HME if he or she was ever convicted or found not guilty by reason of insanity of any of the following crimes:

- Use of weapons of mass destruction
- Terrorism (including general acts of terrorism and/or giving financial assistance to a terrorist)
- Crimes involving a severe transportation security incident
- Unlawful use, possession, sale, distribution or manufacturing of an explosive device
- Improper transportation of hazardous materials
- Espionage, sedition, treason or arson
- Conspiracy or attempt to commit any of these crimes

Currently, persons meeting the threat assessment standards **are not** disqualified from obtaining, retaining, transferring or renewing their CDL or applying for other endorsements. **If, however, you meet any of the federal threat assessment standards as explained above, do not apply for a hazardous material endorsement.**

Please note that the Commission cannot make determinations regarding qualification or disqualification for HME. By law, the TSA must make all HME licensing determinations. If you are uncertain about these requirements or have any general questions about the Patriot Act rule, please contact the Transportation Security Administration's Web Site at: [patriotact@dhs.gov](mailto:patriotact@dhs.gov). Individuals with questions about the Waiver/Appeals process should contact TSA at: [hazmatwaiver@dhs.gov](mailto:hazmatwaiver@dhs.gov). Waiver requests and appeals should be sent by Federal Express only to the following address:

**TSA Headquarters  
Attn: John Berry  
Hazmat Waiver/Appeals Process  
Credentialing Program Office  
601 South 12<sup>th</sup> Street  
Arlington, VA 22202**

Federal requirements include penalties for drivers meeting the threat assessment standards that knowingly apply for and hold an HME or intentionally provide inaccurate information. The penalties may include imprisonment for up to five years, a fine of up to \$250,000, or both.

In the near future, the Commission will begin fingerprinting initial applicants, transfers and those renewing a HME. The TSA will use these fingerprints and other background checks to discern whether an applicant is disqualified from holding an HME.